

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 17-0274 FMO (JCx)	Date	May 2, 2017
Title	John Barth v. Playster Corporation, <u>et al.</u>		

Present: The Honorable	Fernando M. Olguin, United States District Judge
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Vanessa Figueroa	None	None
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Deputy Clerk	Court Reporter / Recorder	Tape No.
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Attorney Present for Plaintiff(s):	Attorney Present for Defendant(s):
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None Present	None Present
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Proceedings: (In Chambers) Order Re: Dismissal for Lack of Prosecution

On April 4, 2017, plaintiff was ordered to show cause, on or before April 12, 2017, why this action should not be dismissed for plaintiff's failure to complete service of the summons and complaint as required by Rule 4(m) of the Federal Rules of Civil Procedure. (See Dkt. 24, Court's Order of April 4, 2017). As of April 27, 2017, plaintiff had not filed a response to the Order to Show Cause. (See Dkt. 25, Court's Order of April 27, 2017, at 1). Thus, on April 27, 2017, the court dismissed the action without prejudice for lack of prosecution, specifically, plaintiff's failure to effect service of the summons and complaint, and plaintiff's failure to comply with the Court's Order to Show Cause. (See id. at 2).

After the court issued its order, plaintiff sent an email to the court's deputy clerk, attaching a purported response to the Order to Show Cause ("OSC"). As an initial matter, plaintiff's email to the court's deputy clerk was improper. A party may not file documents by emailing them to the court's deputy clerk. In any event, plaintiff's purported responses to the OSC did not address service of the summons and complaint on any of the numerous defendants named in his complaint. The court will provide plaintiff one final opportunity to establish that he has served the summons and complaint on defendants. If plaintiff provides sufficient proof of service of process on one or more of the named defendants, the court will reopen the action as to the properly served defendant(s).

Based on the foregoing, IT IS ORDERED THAT:

1. The document plaintiff emailed to the court's deputy clerk shall be filed in as plaintiff's response to the court's OSC. Plaintiff is admonished that he may not email documents for filing to the court's deputy clerk. The Clerk shall disregard all future emails sent by plaintiff that include documents for filing.

2. No later than **May 15, 2017**, plaintiff shall serve the summons and complaint on defendants.

3. No later than **May 17, 2017**, plaintiff shall file proofs of service showing valid service of

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